

REMARKS

Claims 2-4 and 6-40 are now pending in the application. Claims 2-3, 6-20, 22-23 have been amended. Claims 24-40 are new. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

Applicants' representatives thank the Examiner for the courtesies extended during the interview of September 26, 2005. During the interview, Kameshima et al. (JP 56010639A) was discussed. While an agreement was not reached, features distinguishable from the Kameshima reference were discussed.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-4 and 6-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Pat. No. 6,453,687) alternatively in view of Kameshima et al. (JP 56010639) or Schulak (U.S. Pat. No. 5,743,109). This rejection is respectfully traversed. Claim 1 has been cancelled. The rejection of Claim 1 is moot. With regard to Claims 2-4 and 6-23, Applicants note that each either directly or indirectly depend from Claim 24 which is new. Therefore, the rejection of Claims 2-4 and 6-23 are also moot.

The Examiner cites the English abstract of the Kameshima reference. Office Action dated June 29, 2005, page 2. The English translation of the Kameshima reference has been submitted contemporaneously with this Amendment. Applicants respectfully submit that the Kameshima reference fails to teach or suggest the method recited by Claim 24.

The Kameshima device predicts an air conditioning load pattern and operates based on the results of the prediction. Translation, page 3. The method of Claim 24, however, comprises: monitoring an energy consumption of a refrigeration system; accessing a source of weather data; calculating an energy consumption projection based on weather data; comparing said energy consumption with said energy consumption projection; and determining refrigeration system performance based on said comparing.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 29, 2005

By: 
Michael Malinzak, Reg. No. 43,770

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
[MAM/MPD]